



1616

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re-Application of)

KOLTER et al.)

Serial No. 09/729,460)

Filed: December 5, 2000)

For: USE OF A FILM COATING AS TASTE-MAKING COATING OF ORAL DOSAGE FORMS)

Art Unit: 1616

Examiner: DeWitty

MAR 04 2002

TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

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Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the examiner's restriction requirement of January 10, 2002, applicants here by elect Group II, drawn to an oral dosage form of claims 7-13.

The requirement is, however, traversed. There is unity of invention within the meaning of 37 CFR 1.499 and PCT Rule 13. Cf. MPEP 1893.03(d) because of the commonality of the subject matter in terms of the art area involved.

Of course, applicants reserve the right to file divisions with respect any subject matter withdrawn from consideration under the provisions discussed in *Studiengesellschaft Kohle mbH v. Northern Petrochemical Co.*, 784 F.2d 351, 355, 228 USPQ 837, 840 (Fed. Cir.), cert. dismissed 478 U.S. 1028 (1986).

The examiner's action on the merits is awaited.

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Respectfully submitted,

KEIL & WEINKAUF

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